

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BYRNE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4957. An act to designate the Federal building located at 99 New York Avenue, N.E., in the District of Columbia as the "Aries Rios Federal Building".

#### CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 114-135)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to

Burma that was declared on May 20, 1997, is to continue in effect beyond May 20, 2016.

The Government of Burma has made significant progress across a number of important areas since 2011, including the release of over 1,300 political prisoners, a peaceful and competitive election, the signing of a Nationwide Ceasefire Agreement with eight ethnic armed groups, the discharge of hundreds of child soldiers from the military, steps to improve labor standards, and expanding political space for civil society to have a greater voice in shaping issues critical to Burma's future. In addition, Burma has become a signatory of the International Atomic Energy Agency's Additional Protocol and ratified the Biological Weapons Convention, significant steps towards supporting global non-proliferation. Despite these strides, the situation in the country continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.

Concerns persist regarding continued obstacles to full civilian control of the government, the ongoing conflict and human rights abuses in the country, particularly in ethnic minority areas, and military trade with North Korea. In addition, Burma's security forces, operating with little oversight from the civilian government, often act with impunity. We are further concerned that prisoners remain detained and that police continue to arrest critics of the government for peacefully expressing their views. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma.

Despite this action, the United States remains committed to working with both the new government and the people of Burma to ensure that the democratic transition is irreversible.

BARACK OBAMA.

THE WHITE HOUSE, May 17, 2016.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

#### ZIKA VECTOR CONTROL ACT

Mr. GIBBS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 897) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 897

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Zika Vector Control Act".

#### SEC. 2. USE OF AUTHORIZED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

"(5) USE OF AUTHORIZED PESTICIDES.—

"(A) IN GENERAL.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.

"(B) SUNSET.—This paragraph shall cease to be effective on September 30, 2018."

#### SEC. 3. DISCHARGES OF PESTICIDES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(s) DISCHARGES OF PESTICIDES.—

"(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

"(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

"(i) the discharge would not have occurred but for the violation; or

"(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

"(B) Stormwater discharges subject to regulation under subsection (b).

"(C) The following discharges subject to regulation under this section:

"(i) Manufacturing or industrial effluent.

"(ii) Treatment works effluent.

"(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.

"(3) SUNSET.—This subsection shall cease to be effective on September 30, 2018."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. GIBBS) and the gentleman from Oregon (Mr. DEFazio) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

#### GENERAL LEAVE

Mr. GIBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 897.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GIBBS. Mr. Speaker, I rise in strong support of H.R. 897, the Zika Vector Control Act.

This summer, it is evident that the Nation will have to contend with the outbreak of the known Zika virus. Like West Nile virus, it is spread to people primarily through the bite of an infected mosquito.

It has been a year since the first alerts of the Zika virus spreading to Brazil were issued. Since then, the virus has been spreading north, and with warmer months approaching, communities in the United States should be given the tools necessary to stop Zika.

Many States, counties, and municipalities rely on mosquito-spraying programs to protect public health, especially with the threats like Zika, which is particularly harmful to pregnant women.

But protecting communities from Zika and other mosquito-borne diseases has become difficult thanks to a burdensome and duplicative Federal regulation that requires more time and money to be spent on compliance rather than protecting the health and safety of the American people.

Congress cannot let this bureaucratic nonsense stand in the way of potentially preventing a public health crisis like the spread of the Zika virus.

For 60 years, before the Clean Water Act was passed, the Federal Insecticide, Fungicide, and Rodenticide Act, known as FIFRA, regulated the use of pesticides in the United States. Even after the Clean Water Act was implemented, the Environmental Protection Agency believed that FIFRA was the appropriate regulatory authority for pesticides.

It was only after the decision by the Sixth Circuit Court of Appeals in the case, *National Cotton Council v. EPA*, were permits under the Clean Water Act required for pesticide use. This case vacated a 2006 EPA rule that codified their longstanding interpretation that the application of a pesticide for its intended purposes, and in compliance with the requirements of FIFRA, is not a discharge of a pollutant under the Clean Water Act and, therefore, an NPDES permit is not required.

To put this in simple terms, the court's ruling cast aside Congress' intent in pesticide permits, and added another layer of bureaucracy for entities that work to protect the public health.

In vacating the rule, the Sixth Circuit Court simply reversed sensible agency interpretation, and instituted a new Federal policy by judicial decision.

In the process, the court undermined the traditional understanding of how the Clean Water Act interacts with other environmental statutes, and expanded the scope of the Clean Water Act regulation further into areas and activities not originally envisioned or intended by Congress, and against longstanding EPA interpretation.

As a result of this court decision, EPA has been required to develop and impose a new and expanded NPDES permitting process under the Clean Water Act to cover pesticide use.

EPA has estimated that approximately 365,000 pesticide users, including State agencies, cities, counties, and mosquito control districts, water districts, pesticide applicators, farmers, ranchers, forest managers, scientists, and even everyday citizens that perform some of the 5.6 million pesticide applications annually, are affected by the court's ruling. This substantially increases the number of entities subject to NPDES permitting.

With this ill-advised court decision, Federal and State agencies are expending vital funds to initiate and maintain Clean Water Act permitting programs governing pesticide applications, and a wide range of public and private pesticide users are now facing increased financial and administrative burdens in order to comply with the new unnecessary permitting process.

Despite what the fear mongers suggest, all this expense comes with no additional environmental protection.

NPDES compliance costs and fears of potentially ruinous litigation associated with NPDES requirements are forcing States, counties, mosquito control districts, and other pest control programs to reduce their operations and redirect resources in order to comply with the regulatory requirements.

We know that routine mosquito prevention programs have been reduced due to the NPDES requirements. Two anecdotal examples: In Orchard City, Colorado, the city council decided to abandon their aerial mosquito spraying due to the new NPDES permits. The Colorado Aerial Applicator Association, which was certified, completely discontinued all aquatic application services due to compliance of either the Colorado or NPDES permits.

In Utah, for the last 3 years, an Idaho-based NAA operator has been contracted with a homeowner association north of Salt Lake City for treatment of mosquitos. It was not uncommon for him to treat 17,000 acres in one night.

The NPDES permit makes it impossible for him to continue his services as he will be liable for noncompliance because the client/decisionmaker did not require any sort of paperwork other than to substantiate that his equipment was calibrated, thereby constituting noncompliance under that Federal permit system.

□ 1330

In 2012, this most likely increased the impact of the record-breaking outbreak of West Nile virus around the Nation.

In response to those West Nile outbreaks, many States and communities were forced to declare public health emergencies, but this was only after the outbreak of the West Nile virus. So what happens here when they have an outbreak, an epidemic of West Nile in their community, they can declare an emergency, and they don't have to get any permits. They can just go out and spray to attack the epidemic.

So let's do this right and do it under the permitting process, but let's have a process that works.

It is absolutely irresponsible to allow a public health crisis to get to this emergency stage, and then we have the ability to prevent it before removing a simple regulatory barrier.

H.R. 897 will enable communities to resume conducting routine preventive mosquito control programs without additional bureaucracy getting in the way.

H.R. 897 provides a limited exemption for pesticides regulated by FIFRA and used under its product label—which is, by the way, approved by the EPA. Keep in mind, the pesticides necessary to combat Zika and stop the spread of mosquitos are already appropriately regulated under FIFRA. The red tape and compliance costs of an additional NPDES permit make it more difficult for our applicator sprayers to stop the Zika virus.

FIFRA regulation includes human health and environmental safeguards when pesticides are approved, including the rules of label use of a pesticide. Adding an NPDES requirement is redundant and unnecessary.

H.R. 897 was drafted very narrowly to address only the Sixth Circuit Court's decision and gives State and local entities that spray to control mosquito populations the certainty and the ability needed to protect public health. This commonsense legislation even received technical assistance from the EPA to achieve that goal safely and effectively.

Well over 100 organizations representing a wide variety of public and private entities and thousands of stakeholders support a legislative resolution of this issue. Just to name a few, these organizations include: the American Mosquito Control Association, the National Association of State Departments of Agriculture, the National Water Resources Association, the American Farm Bureau Federation, the National Farmers Union, the Family Farm Alliance, the National Rural Electric Cooperative Association, CropLife America, the Biopesticide Industry Alliance, the Responsible Industry for a Sound Environment, the Agricultural Retailers Association, and the National Agricultural Aviation Association.

I want to thank Chairman SHUSTER for his leadership on the Transportation and Infrastructure Committee as well as Chairman CONAWAY of the Agriculture Committee and Ranking Member COLLIN PETERSON of the Agriculture Committee for their leadership on this important public health issue.

This is a responsible, commonsense bill that will help ensure public health officials aren't fighting Zika with their hands tied behind their back. Mr. Speaker, I urge all Members to support H.R. 897.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Well, Groundhog Day came a month earlier this Congress. That is how I described this bill 2 years ago, July, because this is the third time that we have considered this bill. Now, we must admit the rationale has changed. Just last week—last week—it was named the Zika Control Act. But before that, it was the Regulatory Burden Removal Act.

So the first time it was considered, it was H.R. 1749. That one, the 109th Congress defeated. That was for West Nile virus—whoops. Then H.R. 872, last Congress, Reducing the Regulation Burdens Act, at the request of the American Farm Bureau because of a huge burden; and now just renamed last week, we are going to try and game a very serious thing, which is the potential spread of Zika, for which the Republicans thus far have appropriated zero dollars to help the States—zero. Now we are going to pretend we are doing something here today about Zika. It is not about Zika.

Now, this is pretty darn personal for me because the reason we have this rule is because of a huge, massive fish kill in Oregon—a misapplication of pesticide, an aquatic pesticide, into an irrigation canal. We are talking about applications in or near water.

People drink water, fish swim in water, and other things are dependent upon water. We are talking about, no, we don't want to have the EPA watch the pesticide operators who are putting pesticides in or around water. They should not be allowed to do that.

Now, 92,000 steelhead died in Oregon, and that was essentially the beginning of this rule. Now they are saying this is horribly burdensome.

Well, first off, in my State, my one, little, isolated State, we have 825 miles of rivers that are showing a significant level of pesticides, 10,000 acres of lakes. Nationwide, it is hundreds of thousands of miles, tens of thousands of miles and hundreds of thousands of acres.

We haven't been testing for pesticide residues in water, in drinking water, until very recently. But now we don't want to do that anymore. We don't want people to know. Let's just stop, because this is a horrible burden.

Well, actually, not so much. This is controlled at two levels: the EPA and the States. Now, we just heard one anecdote about an aerial applicator in one State that just came up yesterday, unnamed, anecdotal, they suspended operations. Why? Who knows why? We don't know why. There are no facts behind it. But we should end the whole program nationwide because of one anecdote regarding one applicator who may have been misapplying it in Colorado. We don't know.

So the committee asked the EPA and the States, how many people have complained and have had their operations interrupted? Interesting answer: zero and zero. The 50 States say zero, except we now hear about an anecdote in Colorado, and the EPA says zero.

So now we are going to pretend this has something to do with Zika. This

has nothing to do with Zika. It has to do with whether or not someone is going to misapply a pesticide that is going to get in your drinking water.

Now, we should become kind of sensitive about drinking water after what happened in Michigan, but, nah, we don't care. Get rid of those stinking regulators. Don't worry. No one would ever misapply a pesticide. It won't get in your drinking water and won't kill fish—even though it clearly did that in Oregon. So this is really a kind of transparent renaming and opportunistic approach to Zika.

How about considering a real bill to put some real money to partner with the States to deal with this? By the way, they can spray wherever they want because of a declared emergency, so it is automatically covered.

But we are going to pretend that somehow we are going to facilitate the spread of Zika if we don't wipe out the EPA's authority to keep pesticides out of our water. This has been defeated twice before. Even though it was creatively renamed in the last week, I would recommend that my colleagues oppose it yet again.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBS. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. SCALISE), the majority whip.

Mr. SCALISE. Mr. Speaker, I rise in strong support of this Zika Vector Control Act and want to commend Congressman GIBBS for his leadership in bringing this forward as we work here in the House to combat Zika.

The House is doing a number of things this week. Number one, we are moving legislation to reprioritize money so that there will be a total of \$1.2 billion of moneys allocated to combat Zika.

But, in addition, while we are fighting Zika and giving not only Federal, but local agencies the resources they need to combat this terrible disease from spreading, we know, and CDC has told us, that it is spread by mosquitos. Mosquitos are the agents that spread Zika.

So here we have got Congressman GIBBS identifying a problem where the EPA is making it harder to actually kill mosquitos.

I come from south Louisiana. We have a lot of mosquitos in south Louisiana, and we don't like them. We actually spray using federally approved pesticides to kill mosquitos where they breed. Where do they breed, Mr. Speaker? They breed by water. They breed by sources of water. So you have got federally approved sprays and pesticides that are used to go and kill the mosquitos so that they can't spread Zika, and yet the EPA comes in and has a rule that makes it harder and more expensive to actually go kill mosquitos.

All that Congressman GIBBS is saying is let's block that rule because local governments, by the way, still control this. It is our local governments, our

parishes and counties, that are doing the spraying. They understand how to comply with their own local laws. They are not going to do anything to jeopardize groundwater, but what they want to do is kill mosquitos so that the mosquitos don't spread Zika to our constituents.

If you look, this legislation actually was passed. It actually was passed in 2011 when we were responding to West Nile. So the House did pass this legislation already, and it was good legislation then. In fact, it got a wide bipartisan vote. All of a sudden, some people want to politicize it. This isn't a political issue. This is about common sense.

Mr. Speaker, the EPA is just putting additional hurdles in place. It is not like they are saying don't spray these pesticides. They are just jacking up the costs. It is an EPA money grab that makes it more expensive and more difficult to actually go kill mosquitos.

So while we are debating whether or not to prioritize more money for Zika—which we are doing, by the way, \$1.2 billion worth—shouldn't we make sure that the money can actually be used to effectively kill the mosquitos that spread Zika? If the EPA has got a rule that makes no sense and makes it harder to kill mosquitos, shouldn't we remove that rule and that barrier and allow and trust our local governments?

There are some people up here who think that Washington knows best, and if your local parish or county knows what they need to do to control the mosquito population in their parish or county, shouldn't they be able to do it? Or you don't trust them; you don't want to give them the ability to go kill mosquitos.

Well, I do trust our local governments, and I want to give them the tools that they need to actually go and kill mosquitos at the source where they breed, and that is near sources of water. It is not in a way that contaminates groundwater at all. In fact, EPA still gives these permits out, but it just costs a lot more money to go and kill the mosquitos. So let's remove that burden so we can kill more mosquitos and stop Zika from spreading.

Mr. Speaker, it is a really good, commonsense piece of legislation, and I urge its adoption.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the horrible burden the gentleman is talking about is a notice of intent which says where and how something was applied. It is virtually cost free. You can use a standardized form. But it is just good to know where we are putting the pesticides and what pesticides are being used in case there are problems like the massive fish kill in Oregon, which we were able to trace back to one misapplication by one private company, not by the local county or any other public entity.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I do rise in strong opposition to H.R. 897, the Zika Vector Control Act.

The Clean Water Act in no way hinders, delays, or prevents the use of approved pesticides for pest control operations. In fact, the Clean Water Act permit provides a specific emergency provision to prevent outbreaks of disease, such as Zika.

Under the terms of the permit, pesticide applicators are automatically covered under the permit, and spraying may be performed immediately for any declared pest emergency situations. In most instances, sprayers are only required to notify EPA of the spraying operations 30 days after the beginning of the spraying operation.

As I have noted before on similar bills, I have remained concerned that this bill would mean that no Clean Water Act protections would be required for pesticide application to water bodies that are already impaired by pesticides.

Most pesticide applications in the U.S. are done in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, which requires proper labeling of pesticide products regarding usage. However, FIFRA labeling is no substitute for ensuring that we understand the volumes of pesticides that we seem to apply to our rivers, our lakes, and our streams on an annual basis.

According to a 2016 USGS report on pesticides, commonly used pesticides frequently are present in streams and groundwater at levels that exceed human health benchmarks and occur in many streams at levels that may affect aquatic life or fish-eating wildlife.

In the data that the States provide the EPA, more than 16,000 miles of rivers and streams, 1,380 bays and estuaries, and 370,000 acres of lakes in the United States are currently impaired or threatened by pesticides.

EPA suggests that these estimates may be low because many of these States do not test for or monitor all the different pesticides that are currently being used. I am very concerned about the effect these pesticides have on the health of our rivers, on our streams, and especially the drinking water supplies of all of our citizens, especially the most vulnerable, which are the young, the elderly, the poor and disenfranchised, who have no other protection.

I would also add that, if our true concern here is protecting the health of pregnant women in particular, we should focus on preventing pesticide application directly or indirectly to drinking water sources.

Mr. Speaker, I have here a Federal report on how pesticides in California are a leading cause of impairments to water quality.

Currently in California, there are over 4,500 miles of rivers and streams, 235,000 acres of lakes and reservoirs, and 829 square miles of bays and estuaries in my State that are impaired by pesticides.

□ 1345

This is a significant concern in my home State, where every drop of water needs to be conserved, reused, and cherished.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DEFAZIO. Mr. Speaker, I yield the gentlewoman and additional 1 minute.

Mrs. NAPOLITANO. We hear that pesticide application is already regulated under FIFRA and that the Clean Water Act review is not needed. I understand the concerns about duplication of effort and the need to minimize the impacts that regulations have on small business or business at large.

However, I am still very concerned that these pesticides are having a very significant impact on water quality and that we are creating this exemption from water quality protection requirements without considering the impacts to the waters that are already impaired with pesticides, as they are in California.

This, in turn, costs our ratepayers, our water users, hundreds of millions of dollars to filter these pollutants out of the water before it is potable. This is something I deal with on an ongoing basis, as the ranking member of the Subcommittee on Water Resources and Environment.

We currently have aquifers that are contaminated by the continued use of pesticides and fertilizers. Millions of dollars have been spent on the 15-year-long cleanup effort of a Superfund site in my area that has pesticides as one of its contaminants.

We cannot and should not take away one of the only tools available to monitor for adverse impacts of pesticides in our rivers, streams, and reservoirs. Over the past 5 years, this tool has been reasonable.

I oppose this bill.

Mr. GIBBS. Mr. Speaker, I yield myself such time as I may consume.

I want to respond a little bit to the gentlewoman from California's concerns about USGS studies. A lot of these studies are more than 10 years old and do not reflect the current status of pesticide conditions and pesticide regulation today.

Many of the detections were what we call legacy pollution stemming from many years ago. Many of the detections were of pesticides that have not been used in the United States for many years.

The vast majority of these detections that were in the more current studies have found very low concentrations, which were at levels well below what they consider human health benchmarks. For example, approximately 99 percent of monitored water wells and greater than 90 percent of the monitored stream sites were below human health benchmark levels.

Between 2002 and 2011—so before this court decision was in place—USGS only found one stream where human health benchmarks exceeded levels of

danger. That is just one stream in the entire United States.

Because the USGS data is old, the data does not reflect improvements made by the EPA made to its pesticide regulatory program under FIFRA over the past 10 years. This program has become more rigorous than it was a decade or more ago.

The committee has also received testimony on how EPA uses its full regulatory authority under FIFRA to ensure that pesticides do not cause unreasonable adverse effects on human health and the environment, including our Nation's water resources.

In fact, EPA's pesticides and water programs both use the same risk assessment data, which helps to ensure that both programs are providing the same level of protection against risk.

Pesticide usage patterns have changed, technologies have become more sophisticated, and pesticides are much more carefully applied, in part driven by more elaborate label instructions and the high cost of pesticides.

Consequently, to argue that the USGS reports show that regulating the use of pesticides under the Clean Water Act is needed is nothing more than just a red herring.

To address the issue that my good friend from Oregon raises about the fish kill, NPDES permitting is really a permit to discharge. If an applicator misuses that pesticide under the label, under FIFRA, that is illegal. They broke the law.

So not fixing this court decision doesn't have any effect on the unfortunate situation that happened in Oregon with the fish kill. Nothing in the Clean Water Act will stop misapplication. It is already illegal under FIFRA. The person should be held accountable, prosecuted, and responsible for damages.

On the cost, there is more evidence out there of what is going on. The California vector control districts came out with a report that estimated the cost is \$3 million to conduct the necessary administration for these permits. Just to conduct the administration, the \$3 million in California, that money could be used in other ways to fight and control mosquitos.

Also, as another example, Benton County, Washington's, Mosquito Control District calculated that their compliance with the NPDES permit cost them \$37,334. They spent over \$37,334 doing paperwork to secure the Federal and State permits.

They spent this money updating maps to secure the permit. They spent this money on permit fees. They spent this money on software to help with the reporting requirements for the permit. They spent the money on lots of things associated with the permit, but they did not spend that money spraying for mosquitos.

Benton County estimates that, with that \$37,334, they could have treated 2,593 acres of water where mosquitos breed or they could have paid for over

400 West Nile lab tests or they could have hired three seasonable workers. But Benton County got to spend their \$37,334 to comply with a redundant Federal permit.

The National Agricultural Aviation Association, whose members perform over 17,000 public health and mosquito abatement applications every year, estimates that, for one of their members with two planes and five employees, compliance with the NPEDS permit requires one full-time employee and \$40,000 annually for one full-time employee to comply with this additional permitting.

This permit is not simply “the modest notification and monitoring requirements are providing valuable safeguards against over-application of pesticides” that my colleague is claiming.

It is an incredibly heavy-handed, expensive, time-consuming process that takes dollars away from public health protection, putting it to more paperwork and putting more people at risk and the health of our communities at risk.

I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, may I inquire how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Oregon has 10½ minutes remaining. The gentleman from Ohio has 4 minutes remaining.

Mr. DEFAZIO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Mr. Speaker, I rise in strong opposition to the House consideration of the Reducing Regulatory Burdens Act that House Republicans have incorrectly and misleadingly renamed the Zika Vector Control Act.

In the 113th Congress, this exact legislation with a bill number of H.R. 935 failed under suspension of the rules 253-148. At the time, Republicans subsequently rescheduled it 2 days later under a closed rule to allow passage.

I was a Democratic manager of that bill under consideration in 2014. In fact, since my statement laid out a real substantive concern with the legislation, I include in the RECORD a copy of my remarks from that time.

Mr. Speaker, in the 112th Congress, the Republican leadership moved similar legislation under the guise that, unless Congress acted, the process for applying a pesticide would be so burdensome, that it would grind to a halt an array of agricultural and public health-related activities.

Some may say that this may be a bit of hyperbole to describe the impacts of the Environmental Protection Agency's (EPA) pesticide general permit.

However, if you were to compare the concern expressed before the agency's draft permit went into effect with the almost non-existent level of concern expressed after almost three years of implementation, you would likely question why we are here this evening debating this bill.

Contrary to the rhetoric, EPA and the States have successfully drafted and implemented a new pesticide general permit (PGP) for the

last two-and-a-half years that adopted several common-sense precautionary measures to limit the contamination of local waters by pesticides. And they do so in a way that allows pesticide applicators to meet their vital public health, agricultural, and forestry-related activities in a cost-effective manner.

The sky has not fallen, farmers and forestry operators have had two successful growing seasons, and public health officials successfully address multiple threats of mosquito-borne illness, while at the same time complying with the sensible requirements of both the Clean Water Act and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

I say sensible because, as we should clearly understand, the intended focus of the Clean Water Act and FIFRA are very different.

FIFRA is intended to address the safety and effectiveness of pesticides on national scale, preventing unreasonable adverse effects on human health and the environment through uniform labels indicating approved uses and restrictions.

However, the Clean Water Act is focused on restoring and maintaining the integrity of the nation's waters, with a primary focus on the protection of local water quality.

It is simply incorrect to say that applying a FIFRA-approved pesticide in accordance with its labeling requirement is a surrogate for protecting local water quality. As any farmer knows, complying with FIFRA is as simple as applying a pesticide in accordance with its label—farmers do not need to look to the localized impact of that pesticide on local water quality.

So, why are groups ranging from the American Farm Bureau Federation to Crop Life America so adamantly opposed to this regulation?

One plausible answer is because these groups do not want to come out of the regulatory shadows that have allowed unknown individuals to discharge unknown pesticides in unknown quantities, with unknown mixtures, and at unknown locations.

I wonder how the American public would react to the fact that, for decades, pesticide sprayers could apply massive amounts of potentially-harmful materials, almost completely below the radar.

In fact, prior to the issuance of the pesticide general permit, the only hard evidence on pesticide usage in this country came from a voluntary sampling of the types and amounts of pesticides that were purchased from commercial dealers of pesticides.

No comprehensive information was required, or available, on the quantities, types, or location of pesticides applied in this country. Based on that practice, I guess we should not be surprised that, for decades, pesticides have been detected in the majority of our nation's surface and ground waters.

Which leads me to question how eliminating any reporting requirement on the use of pesticides is protective of human health and the environment?

All this would do is make it harder to locate the sources of pesticide contamination in our nation's rivers, lakes, and streams, and make accountability for these discharges more difficult. If this legislation were to pass, we would require more disclosure of those who manufacture pesticides, than those who actually release these dangerous chemicals into the real world.

During the debate on Monday, several speakers questioned the environmental and public health benefits of the Clean Water Act for the application of pesticides. However, many of these benefits are so obvious, it is not surprising they may have otherwise gone overlooked.

First, it is the Clean Water Act, and not FIFRA, that requires pesticide applicators to minimize pesticide discharges through the use of pesticide management measures, such as integrated pest management. I find it difficult to argue that using an appropriate amount of pesticides for certain applications would be a problem.

Second, it is the Clean Water Act, and not FIFRA, that requires pesticide applicators to monitor for and report any adverse incidents that result from spraying. I would think that monitoring for large fish or wildlife kills would be a mutually-agreed upon benefit.

Also, it is the Clean Water Act, and not FIFRA, that requires pesticide applicators to keep records on where and how many pesticides are being applied throughout the nation.

Again, if data is showing that a local waterbody is contaminated by pesticides, I would think the public would want to quickly identify the likely source of the pesticide that is causing the impairment.

Finally, and perhaps most important, I am unaware, despite repeated requests to both EPA and States, of any specific example where the current Clean Water Act requirements have prevented a pesticide applicator from performing their services. Despite claims to the contrary, the Clean Water Act has not significantly increased the compliance costs to states or individual pesticide sprayers, nor has it been used as a tool by outside groups or EPA to ban the use of pesticides.

So, let me summarize a few points.

One, the Clean Water Act does provide a valuable service in ensuring that an appropriate amount of pesticides are being applied at the appropriate times, and that pesticides are not having an adverse impacts on human health or the environment.

Two, to the best of my knowledge, the pesticide general permit has imposed no impediment on the ability of pesticide applicators to provide their valuable service to both agricultural and public health communities. In fact, most pesticide applications are automatically covered by the pesticide general permit, either by no action or by the filing of an electronic “Notice of Intent.”

Three, Federal and state data make it clear that application of pesticides in compliance with FIFRA, alone, as was the case for many years, was insufficient to protect waterbodies throughout the nation from being contaminated by pesticides, so if we care about water quality, more needed to be done.

I can see no legitimate reason why we would want to allow any user of potentially-harmful chemicals to return to the regulatory shadows that existed prior to the issuance of the Clean Water Act pesticide general permit. It has caused no known regulatory, administrative, or significant financial burden, and has been implemented seamlessly across the country.

As was stated during the debate on Monday, this legislation is seeking to address a pretend problem that simply doesn't exist.

I urge a no vote on H.R. 935.

In this Congress, this legislation was marked up early last year in the Agriculture Committee as the Reducing Regulatory Burdens Act. The committee of primary jurisdiction, the House Transportation and Infrastructure Committee, has taken no action on the bill this time around; yet, here we are again on the House floor.

The Republican leadership has now changed the name of the bill to the Zika Vector Control Act. A new name and the inclusion of a sunset date in 2018 are the only differences from previous iterations of this bill.

H.R. 897 is the exact same legislation that pesticide manufacturers and other special interests have been pushing for the past several years. It would eliminate Clean Water Act safeguards that protect our waterways and communities from excessive pesticide pollution.

The pesticide general permit targeted in this legislation has been in place for nearly 5 years now, and alarmist predictions by pesticide manufacturers and others about the impacts of this permit have failed to bear any fruit.

In fact, in March 2015, before the House Transportation and Infrastructure Committee, Ken Kopocis, Deputy Assistant Administrator of the Office of Water at the Environmental Protection Agency, testified that:

"We have not been made aware of any issues associated with the pesticide general permit. Nobody has brought an instance to our attention where somebody has not been able to apply a pesticide in a timely manner . . . There have been no instances."

Yet, here we are. Since then, all across the country, pesticide applicators—usually utilities managing their rights-of-way—are complying with the Clean Water Act permits to protect water quality. The public is getting information they need that we couldn't get before about what pesticides are being sprayed into what bodies of water.

Congress should not and must not respond to outdated sky-is-falling problems that history has shown has never occurred and weaken protections for the water our children drink.

In past Congresses, my colleagues on the other side of the aisle have chosen a public health emergency de jour as rationale to pass and enact this legislation into law. At one time, they cited, as they have again today, West Nile virus. The next time it was the western wildland fire suppression. Last Congress, it was the drought.

Now, in nothing less than a purely political move, Republicans are considering this bill on suspension, but this time under the guise of combating the spread of Zika.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DEFAZIO. Mr. Speaker, I yield the gentlewoman an additional 1 minute.

Ms. EDWARDS. Let us be clear. This bill has absolutely nothing to do with

Zika or trying to stop the threat of the Zika virus. Despite claims made by my colleagues to the contrary, the permit already in effect allows spraying for Zika or other mosquito control programs.

H.R. 897 is simply another attack on the Clean Water Act as part of the Republican's anti-environmental, deregulatory agenda. I urge my colleagues to vote this legislation down.

And let's do something real to combat Zika. The President has asked for \$1.9 billion in emergency funding because it is an emergency. It is a public health threat. If we did that now, then we would be fulfilling our duties and responsibilities.

But this legislation today fulfills no responsibilities, gets in the way of protecting clean water, and does absolutely nothing to combat the Zika virus that, if you look at the map, is quickly spreading across this country.

Mr. GIBBS. Mr. Speaker, I include in the RECORD the following letters of support:

A letter from nearly 100 organizations supporting H.R. 897, including the National Association of State Departments of Agriculture, the National Farmers Union, Ohio Professional Applicators for Responsible Regulation, the Pesticide Policy Coalition, and the National Council of Farmer Cooperatives;

The American Mosquito Control Association;

National Pest Management Association;

Responsible Industry for a Sound Environment; and

American Farm Bureau.

MAY 17, 2016.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR MEMBER OF CONGRESS: The nearly one hundred undersigned organizations urge your support for HR 897, the Zika Vector Control Act, which the House will consider today under suspension of the rules.

Pesticide users, including those protecting public health from mosquito borne diseases, are now subjected to the court created requirement that lawful applications over, to or near 'waters of the U.S.' obtain a Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permit from the Environmental Protection Agency (EPA) or delegated states. HR 897 would clarify that federal law does not require this redundant permit for already regulated pesticide applications.

Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), all pesticides are reviewed and regulated for use with strict instructions on the EPA approved product label. A thorough review and accounting of impacts to water quality and aquatic species is included in every EPA review. Requiring water permits for pesticide applications is redundant and provides no additional environmental benefit.

Compliance with the NPDES water permit also imposes duplicative resource burdens on thousands of small businesses and farms, as well as the municipal, county, state and federal agencies responsible for protecting natural resources and public health. Further, and most menacing, the permit exposes all pesticide users—regardless of permit eligibility—to the liability of CWA-based citizen law suits.

In the 112th Congress, the same Reducing Regulatory Burdens Act—then HR 872—passed the House Committee on Agriculture and went on to pass the House of Representatives on suspension. In the 113th Congress, the legislation—then HR 935—passed the both the House Committees on Agriculture and Transportation & Infrastructure by voice vote, and again, the House of Representatives.

The water permit threatens the critical role pesticides play in protecting human health and the food supply from destructive and disease-carrying pests, and for managing invasive weeds to keep open waterways and shipping lanes, to maintain rights of way for transportation and power generation, and to prevent damage to forests and recreation areas. The time and money expended on redundant permit compliance drains public and private resources. All this for no measureable benefit to the environment. We urge you to remove this regulatory burden by voting "YES" on HR 897, the Zika Vector Control Act.

Sincerely,

Agribusiness Council of Indiana, Agribusiness & Water Council of Arizona Agricultural Alliance of North Carolina, Agricultural Council of Arkansas, Agricultural Retailers Association, Alabama Agribusiness Council, American Farm Bureau Federation, Alabama Farmers Federation, American Mosquito Control Association, American Soybean Association, American Hort, Aquatic Plant Management Society, Arkansas Forestry Association, Biopesticide Industry Alliance, California Association of Winegrape Growers, California Specialty Crops Council, Cape Cod Cranberry Growers Association, The Cranberry Institute, CropLife America, Council of Producers & Distributors of Agrotechnology.

Family Farm Alliance, Far West Agribusiness Association, Florida Farm Bureau Federation, Florida Fruit & Vegetable Association, Georgia Agribusiness Council, Golf Course Superintendents Association of America, Hawaii Cattlemen's Council, Hawaii Farm Bureau Federation, Idaho Grower Shippers Association, Idaho Potato Commission, Idaho Water Users Association, Illinois Farm Bureau, Illinois Fertilizer & Chemical Association, Kansas Agribusiness Retailers Association, Louisiana Cotton and Grain Association, Louisiana Farm Bureau Federation, Maine Potato Board, Michigan Agribusiness Association, Minnesota Agricultural Aircraft Association, Minnesota Crop Production Retailers.

Minnesota Pesticide Information & Education, Minor Crops Farmer Alliance, Missouri Agribusiness Association, Missouri Farm Bureau Federation, Montana Agricultural Business Association, National Agricultural Aviation Association, National Alliance of Forest Owners, National Alliance of Independent Crop Consultants, National Association of State Departments of Agriculture, National Association of Wheat Growers, National Corn Growers Association, National Cotton Council, National Council of Farmer Cooperatives, National Farmers Union, National Pest Management Association, National Potato Council, National Rural Electric Cooperative Association, National Water Resources Association, Nebraska Agri-Business Association, North Carolina Agricultural Consultants Association.

North Carolina Cotton Producers Association, North Central Weed Science Society, North Dakota Agricultural Association, Northeast Agribusiness and Feed Alliance, Northeastern Weed Science Society, Northern Plains Potato Growers Association, Northwest Horticultural Council, Ohio Professional Applicators for Responsible Regulation, Oregon Potato Commission, Oregonians



for Food & Shelter, Pesticide Policy Coalition, Plains Cotton Growers, Inc., Professional Landcare Network, RISE (Responsible Industry for a Sound Environment), Rocky Mountain Agribusiness Association, SC Fertilizer Agribusiness Association, South Dakota Agri-Business Association, South Texas Cotton and Grain Association, Southern Cotton Growers, Inc., Southern Crop Production Association.

Southern Rolling Plains Cotton Growers, Southern Weed Science Society, Sugar Cane League, Texas Ag Industries Association, Texas Vegetation Management Association, United Fresh Produce Association, U.S. Apple Association, USA Rice Federation, Virginia Agribusiness Council, Virginia Forestry Association, Washington Friends of Farm & Forests, Washington State Potato Commission, Weed Science Society of America, Western Growers, Western Plant Health Association, Western Society of Weed Science, Wild Blueberry Commission of Maine, Wisconsin Farm Bureau Federation, Wisconsin Potato and Vegetable Growers Association, Wisconsin State Cranberry Growers Association, Wyoming Ag Business Association, Wyoming Crop Improvement Association, Wyoming Wheat Growers Association.

—  
THE AMERICAN MOSQUITO  
CONTROL ASSOCIATION,  
Mount Laurel, NJ, May 16, 2016.

Hon. BOB GIBBS,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN GIBBS: The American Mosquito Control Association, in concert with mosquito control agencies, programs and regional associations throughout the United States, want to express our enthusiastic support for passage of HR 897 the Zika Vector Control Act clarifying the National Pollutant Discharge Elimination Systems (NPDES) permitting issue facing our public health agencies.

Each year, over one half million people die worldwide from mosquito-transmitted diseases. In the U.S. alone, the costs associated with the treatment of mosquito-borne illness run into the millions of dollars annually.

This amendment addresses a situation that has placed mosquito control activities under substantial legal jeopardy and requires ongoing diversion of taxpayer-supported resources away from their public health mission. Though the NPDES was originally designed to address point source emissions from major industrial polluters such as chemical plants, activist lawsuits have forced US Environmental Protection Agency (EPA) to require such permits even for the application of EPA registered pesticides, including insecticides used for mosquito control. These permits are mandated despite the fact that pesticides are already strictly regulated by the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Currently, mosquito control programs are vulnerable to lawsuits for simple paperwork violations of the Clean Water Act (CWA) where fines may be up to \$35,000 per day for activities that do not involve harm to the environment. In order to attempt to comply with this potential liability, these governmental agencies must divert scarce resources to CWA monitoring. In some cases, smaller applicators have simply chosen not to engage in vector control activities.

Requiring NPDES permits for the discharges of mosquito control products provides no additional environmental protections beyond those already listed on the pesticide label, yet the regulatory burdens are potentially depriving the general public of the economic and health benefits of mos-

quito control. This occurs at a time when many regions of the country have seen outbreaks of equine encephalitis, West Nile virus, dengue fever and the rapidly spreading new threat of the Zika and chikungunya viruses.

This negative impact on the public health response and needless legal jeopardy requires legislative clarification that the intent of the CWA does not include duplicating FIFRA's responsibilities. HR 897 seeks to achieve that goal and we strongly encourage its passage via any legislative vehicle that enacts its clarifying language into law.

Thank you for your strong leadership on this important public health issue.

Adams County (WA) Mosquito Control District, American Mosquito Control Association, Associated Executives of Mosquito Control Work in New Jersey, Atlantic County Office of Mosquito Control, Baker Valley Vector Control District, Benton County (WA) Mosquito Control District, Columbia Drainage Vector Control District, Davis County (UT) Mosquito Abatement District, Delaware Mosquito Control Section, Florida Mosquito Control Association, Gem County (ID) Mosquito Abatement, Georgia Mosquito Control Association, Idaho Mosquito and Vector Control Association, Jackson County (OR) Vector Control District, Klamath Vector Control District, Louisiana Mosquito Control Association, Magna Mosquito Abatement District.

Manatee County (FL) Mosquito Control District, Matthew C. Ball, Multnomah County (OR) Vector Control Program, New Jersey Mosquito Control Association, North Carolina Mosquito & Vector Control Association, North Morrow Vector Control District, Northeast Mosquito Control Association, North Shore Mosquito Abatement District (Cook County, Illinois), Northwest Mosquito and Vector Control Association, Oregon Mosquito and Vector Control Association, Pennsylvania Vector Control Association, Philip D. Smith, Richmond County (GA) Mosquito Control District, South Salt Lake Valley Mosquito Abatement District, Salt Lake City Mosquito Abatement District, Texas Mosquito Control Association, Teton County (WY) Weed & Pest District, Union County (OR) Vector Control District, Washington County (OR) Mosquito Control.

Members of the Mosquito and Vector Control Association of California:

Alameda County MAD, Alameda County VCSD, Antelope Valley MVCD, Burney Basin MAD, Butte County MVCD, City of Alturas, City of Berkeley, City of Blythe, City of Moorpark/VC, Coachella Valley MVCD, Colusa MAD, Compton Creek MAD, Consolidated MAD, Contra Costa MVCD, County of El Dorado, Vector Control, Delano MAD, Delta VCD, Durham MAD, East Side MAD, Fresno MVCD, Fresno Westside MAD, Glenn County MVCD.

Greater LA County VCD, Imperial County Vector Control, June Lake Public Utility District, Kern MVCD, Kings MAD, Lake County VCD, Long Beach Vector Control Program, Los Angeles West Vector and Vector-borne Disease Control District, Madera County MVCD, Marin/Sonoma MVCD, Merced County MAD, Mosquito and Vector Management District of Santa Barbara County, Napa County MAD, Nevada County Community Development Agency, No. Salinas Valley MAD, Northwest MVCD, Orange County Mosquito and Vector Control District, Oroville MAD, Owens Valley MAP, Pasadena Public Health Department, Pine Grove MAD.

Placer MVCD, Riverside County, Dept. of Environmental Health VCP, Sacramento-Yolo MVCD, Saddle Creek Community Services District, San Benito County Agricultural Commission, San Bernardino County

Mosquito and Vector Control Program, San Diego County Dept. of Environmental Health, Vector Control, San Francisco Public Health, Environmental Health Section, San Gabriel Valley MVCD, San Joaquin County MVCD, San Mateo County MVCD, Santa Clara County VCD, Santa Cruz County Mosquito Abatement/Vector Control, Shasta MVCD, Solano County MAD, South Fork Mosquito Abatement District, Sutter-Yuba MVCD, Tehama County MVCD, Tulare Mosquito Abatement District, Turlock MAD, Ventura County Environmental Health Division, West Side MVCD, West Valley MVCD,

—  
DEAR REPRESENTATIVE, I am writing to you today as a pest management professional requesting your support for H.R. 897, the Zika Vector Control Act. H.R. 897 is scheduled to be considered by the full House of Representatives tomorrow, May 17. H.R. 897 would suspend the need to obtain unnecessary and burdensome permits, allowing our industry to better protect you from the mosquitoes that transmit the Zika virus.

Zika is an emerging mosquito-borne virus that currently has no specific medical treatment or vaccine. Zika virus is spread through the bite of infected mosquitoes in the Aedes genus, the same mosquitoes that carry dengue fever and chikungunya. The Zika virus causes mild flu-like symptoms in about 20 percent of infected people, but the main concern among leading health organizations is centered on a possible link between the virus and microcephaly, a birth defect associated with underdevelopment of the head and brain, resulting in neurological and developmental problems. The World Health Organization (WHO) recently declared Zika virus a global health emergency.

Currently, pest management professionals who apply even small amounts of pesticides in and around lakes, rivers and streams to protect public health and prevent potential disease outbreaks are required to obtain an additional, redundant and burdensome National Pollutant Discharge Elimination System (NPDES) permit prior to application. Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), all pesticides are reviewed and regulated for use with strict instructions on the U.S. Environmental Protection Agency (EPA) approved product label. A thorough review and accounting of impacts to water quality and aquatic species is included in every EPA review. Requiring water permits for pesticide applications is redundant and provides no additional environmental benefit.

Pest management professionals are on the front lines of protecting the public, using a variety of tools, including pesticides. Requiring pest management applicators to obtain an NPDES permit to prevent and react to potential disease outbreaks wastes valuable time against rapidly moving and potentially deadly pests. Water is the breeding ground for many pests.

The pest management industry strongly urges you temporarily remove this regulatory burden and help us protect people throughout your community from mosquitoes that transmit dangerous and deadly diseases, like Zika, by voting YES on H.R. 897, the Zika Vector Control Act.

Sincerely,  
National Pest Management Association.

—  
RESPONSIBLE INDUSTRY FOR A  
SOUND ENVIRONMENT,  
Washington, DC, May 17, 2016.

Hon. BOB GIBBS,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE GIBBS: Thank you for re-introducing the H.R. 897. RISE (Responsible Industry for a Sound Environment)

is a national not-for-profit trade association representing producers and suppliers of specialty pesticides including products used to control mosquitoes and invasive aquatic weeds.

For most of the past four decades, water quality concerns from pesticide applications were addressed within the registration process under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) rather than a Clean Water Act permitting program. Due to a 2009 decision of the 6th Circuit U.S. Court of Appeals, Clean Water Act National Pollution Discharge Elimination System Permits (NPDES) have been required since 2011 for aquatic pesticide applications. NPDES permits do not provide any identifiable additional environmental benefits, but add significant costs and paperwork requirements which make it more expensive to protect people from mosquitoes that can vector the Zika Virus, West Nile Virus, Dengue Fever and other viruses. Permits also make it more expensive to control invasive aquatic plants that over take our waterways and impede endangered species habitat.

H.R. 897 would clarify that duplicative NPDES permits are not needed for the application of EPA approved pesticides. The elimination of these permits will speed response to public health and other pest pressures, save resources for, states, municipalities, and communities. We support this legislation look forward to working with you and your colleagues to advance this legislation.

Sincerely,

AARON HOBBS,  
President.

AMERICAN FARM BUREAU FEDERATION,  
Washington, DC, May 16, 2016.

Hon. MEMBERS,  
House of Representatives,  
Washington, DC.

DEAR MEMBERS OF CONGRESS: Later this week, the House will vote on legislation that clarifies congressional intent regarding regulation of the use of pesticides for control of exotic diseases such as Zika virus and West Nile virus, as well as for other lawful uses in or near navigable waters. The American Farm Bureau Federation (AFBF) strongly supports the "Zika Vector Control Act of 2016" and urges all members of Congress to support this legislation.

AFBF represents rural areas nationwide that will be impacted by the spread of dangerous exotic diseases like Zika. The only control measure at this time is vector control. Our members are aware that local mosquito control districts face tight budgets and are concerned with the operational disruptions and increased costs associated with unnecessary and duplicative permitting requirements. Any disruption in vector control will expose a large portion of Farm Bureau members to mosquitos that may carry diseases like Zika and West Nile virus.

We urge all committee members to vote in favor of the "Zika Vector Control Act of 2016."

Thank you very much for your support.

Sincerely,

ZIPPY DUVALL,  
President.

Mr. GIBBS. I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I come down here to oppose this bill. I am not on the committee, but I was sitting in my office and it made me angry to hear people down here talking about H.R. 897.

You put out a title that says Zika Vector Control Act. That sounds like a good thing. People ought to be happy we are going to control the specter that is out there. But it is a lie.

This does nothing about Zika. It doesn't do anything with the research that the President has asked the money for. What it does simply is turn the applicators and the pesticide manufacturers loose on this country again.

I have been here long enough to remember all of the problems with the bird eggs that had soft shells and the birds were dying. All these animals were dying all over the place because of DDT and all of the things that happen with that kind of application freely in this society.

One of the things that you have to think about and what I would caution my congressional friends in the Republican Caucus of is that you ought to learn from history. Philadelphia was once full of malaria. Philadelphia was a malaria city. You kept the windows closed at night because you didn't want to get malaria.

Now, what we are seeing today because of global warming is that moving north from the equator are the organisms that create disease.

I heard somebody from Louisiana say: Oh, my God. We have got malaria. We have got all kinds of problems in Louisiana.

You are going to have them. You can find evidence everywhere that these organisms are there. But the answer is not to let there be unrestricted and uncontrolled application of pesticides.

That doesn't solve the problem because what it does is it creates another set of illnesses related to the effects of pesticides on human beings and on animals and on reproduction.

So what you are doing is you are saying: Well, if you spread this stuff out on the ground and all over the water and people are going to get in contact with that water, there is no question about it, directly or indirectly, and you are going to have the other diseases that come from this.

I won't give a whole long lecture on the effects of pesticides on people, but I will remind Members about something called Agent Orange.

□ 1400

Guys like me who were around during the Vietnam war saw that stuff being sprayed all over the trees. People said: Oh, that doesn't do anything. It is just that the leaves drop off.

Then we had an epidemic of physical illnesses that were secondary to Agent Orange. We told veterans for years: It is not a problem. It is not a problem. It was not that Agent Orange that got you.

Then we found out that, in fact, it was, and we have been paying and paying and paying.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DEFAZIO. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. McDERMOTT. So this is one of those issues where you put it on cheap, but you are going to pay for it in the long term.

Now, some of you over there, clearly, don't care. As for the guy in Michigan who made the decision that they use that dirty river water and inflict that on the children of Flint and the lead poisoning and the lead effects on their heads, that is the kind of mentality we are dealing with with the people who run this bill every 2 years from the companies that make this stuff. It came in 2011, 2013, 2014, 2015. Here it is again this year. It will be back. This bill isn't done. They are going to keep trying to convince the American people that you can just spread chemicals everywhere, and it doesn't have effects on people, but it does. That is what environmental health is all about.

That is why this bill is a step backward to about 1950, when we didn't really know what pesticides did to people. Now we do. We are absolutely right in voting against this bill, and the President ought to veto it if it gets through. The Senate, as bad as they are, won't even let this bill through.

The SPEAKER pro tempore (Mr. COSTELLO of Pennsylvania). Members are reminded to direct their remarks to the Chair.

Mr. GIBBS. Mr. Speaker, I yield myself such time as I may consume.

Boy, talk about fear mongering. Comparing responsible pesticide use in protecting the environment and in protecting human health to Agent Orange is just really over the top.

I do agree with one thing the previous gentleman spoke about, which is that we have to do more for Zika, and we are going to do more in the House this week. This is one tool in the toolbox to address this.

As for this bit about spraying pesticides uncontrollably all over the place, as a farmer, I have heard that all of my adult life, and it is really bizarre because pesticides cost a lot of money. It is really bizarre in this case because to use these pesticides, you have to be certified by the State and the EPA, and you have to be applying it by the label that the EPA has already approved. This goes through rigorous testing and regulation, so it is not uncontrollable. It is under FIFRA, which is the law the Congress set up many, many years ago to control this. This is not an uncontrolled application of pesticides that is contaminating our water bodies. As I said, the recent geological studies document that we are not contaminating our water bodies.

I will make this clear that this is not uncontrollable and that we have laws in place that are called FIFRA. If you break that law, you break the law, and you should be punished and held accountable.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

The problem here is that FIFRA doesn't require recordkeeping. It is a



label, and you are supposed to follow the label. There is an even more recent problem in Oregon—we talked about the fish kill earlier—which is the over-flight spraying of an herbicide on forestlands, which was applied, and then it drifted into occupied areas and streams.

Now, without the EPA's requirement that you record and report, we wouldn't know that that had happened; but now we do, and the people who are complaining about health effects have some recourse since they know what was applied, when it was applied, and who applied it.

If we do away with that requirement and say, Oh, well, the States might still require something, well, they might not. Therefore, it would be: Are you going to follow the label or not? How are you going to find out if they followed the label? How are you going to find out whose plane that was? How are you going to find out what they sprayed?

You won't be able to. If you get an impaired body of water, we are now mapping things.

The EPA says: Wait a minute. Wait a minute. That body of water is already impaired with this particular herbicide or pesticide. We should limit more applications in that area.

No, we don't want to know about that. We don't want to know about that.

That is the bottom line here. We are talking about recordkeeping and reporting after the fact: What did you use? Where did you put it? So if someone is injured or if we find out their water supply is impaired, they can figure out how it happened, but not if we do away with this requirement, with this Groundhog Day bill.

Again, it was pest management, it was forest health, then it was reducing regulatory burdens; but now it has been reborn in the last week as Zika control because it is, as the gentlewoman from Maryland said, the cause du jour. It has nothing to do with Zika.

I was really pleased to see the majority whip say that they were going to put \$1.2 billion into Zika because, as of the publishing of the appropriations bill, it was only \$622 million, which is a third of what the President asked for; so now they are up to 66 percent. That is great. I hope that is right because we haven't seen that in writing yet.

The bottom line is we need to partner with the States to deal with the threat of Zika just like we did with West Nile—none of which is going to be impaired by a little recordkeeping—so that we know where, how, what was applied so that citizens of the United States, private property owners, will have some recourse.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBS. Mr. Speaker, I yield myself the balance of my time.

First of all, the gentleman from Oregon talked about the recordkeeping. There are additional burdensome

records on this requirement, the MPDS, but a certified pesticide applicator under FIFRA has to keep records. They have to keep records on what they applied, how they applied it, when they applied it, what the wind speed was, and what the temperature was—all of that—so that there is a record there. I wanted to correct his information as he was inaccurate on that.

We talked about West Nile. In 2012, we had a crisis in this country of the West Nile epidemic. Dallas, Texas, had to declare an emergency. They probably weren't doing what they needed to do because of the MPDS permits. If they declare an emergency, they can spray without a permit.

That is why we put a sunset provision in this bill. On September 30, 2018, this bill sunsets. The reason we put that in there is to address this towards Zika. Zika will probably run its course. Hopefully, in 2 years, we will forget about it like we have done with Ebola. The problem is that we need to do everything we can to mitigate the problem in the interim. We saw last week there were 103 pregnant women in the United States who had the Zika virus. Today, I heard there were 113. That number is jumping up. It is going to jump up fast because we are in mosquito season. When these mothers start delivering those babies and when we have all kinds of problems, it is not going to be a pleasant experience; so we need to do everything we can. That 2-year sunset provision in there will really target and address this issue.

We need to give our States and local communities the tools they need, and we are going to do more this week. We are going to give them the resources, the dollars, they need; but we also have to make sure they can spend that money, like in the example I gave of the \$37,000. Instead of spending it on administrative paperwork, they can spend it on killing the larvae and the mosquitos. It is easier to kill the mosquito population if you kill the larvae before they hatch. The risks are high, but we need to make sure we do this.

I reiterate that FIFRA is already in place to make sure that we don't have bad actors out there who are polluting our water bodies. If they do, they are going to be held accountable, and the EPA can step in and investigate those and do that. The EPA has all of the authority they need because they approve the label, they approve the pesticide certification, they approve the applicators. They can go back to every applicator and ask for their records. They can go into my local farm co-op and ask: When did you apply? What did you apply? What date did you apply? And all of those records are there for our regulators to see. They can do that.

All this bill does is fix the bad court decision that it has a regulatory burden. We need to support this bill and let our communities and our States do their jobs to protect the public health.

Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise to speak in opposition to H.R. 897, the "Zika Vector Control Act," because this bill was not written with the intent to control Zika carrying mosquitoes, but rather to allow higher amounts of rodenticides, fungicides, and insecticides in water.

The title for H.R. 897, two days ago was the "Reducing Regulatory Burdens Act of 2015."

I am very interested in doing everything I can to address the threat of Zika Virus, but I am not supportive of tricks or misguided strategies to get legislation to the House floor in the name of Zika prevention that was conceived with no thought of the Zika Virus in mind.

As a senior member of the House Committee on Homeland Security, which has a core mission of emergency preparedness of state and local governments to be equipped to react to emergencies make me acutely aware of the potential for the Zika Virus to be a real challenge for state and local governments during the coming months.

I thank President Obama for his leadership in requesting \$1.9 billion to address the threat of the Zika Virus.

The 18th Congressional District of Texas, which I represent has a tropical climate and very likely of having to confront the challenge of Zika Virus carrying mosquitoes before mosquito season ends in the Fall.

Houston, Texas, like many cities, towns, and parishes along the Gulf Coast, has a tropical climate hospitable to mosquitoes that carry the Zika Virus like parts of Central and South America, as well as the Caribbean.

For this reason, I am sympathetic to those members who have districts along the Gulf Coast.

These areas are known to have both types of the Zika Virus vectors: the Aedes Aegypti [A-up-ti] and the Asian Tiger Mosquito, which is why I held a meeting in Houston on March 10, 2016 about this evolving health threat.

I convened a meeting with Houston, Harris County and State officials at every level of responsibility to combat the Zika Virus to discuss preparations that would mitigate its.

The participants included Dr. Peter Hotez, Dean of the National School of Tropical Medicine and Professor of Pediatrics at Baylor College of Medicine and Dr. Dubboun, Director of the Harris County Public Health Environmental Services Mosquito Control Division who gave strong input on the critical need to address the threat on a multi-pronged approach.

Dr. Dubboun, Director of the Harris County Public Health Environmental Services Mosquito Control Division stressed that we cannot spray our way out of the Zika Virus threat.

He was particularly cautious about the over use of spraying because of its collateral threat to the environment and people.

We should not forget that Flint, Michigan was an example of short sighted thinking on the part of government decision makers, which resulted in the contamination of the city's water supply.

The participants in the meeting represented the senior persons at every, state and local agency with responsibility for Zika Virus response and they agreed we need plan to address the Zika Virus in the Houston and Harris County area that will include every aspect of the community.

The collective wisdom of these experts revealed that we should not let the fear of the Zika Virus control public policy.

Instead we should get in front of the problem then we can control the Zika Virus from its source—targeting mosquitoes.

The consequences of too much insecticide, rodenticides or fungicides in water are known—to kill aquatic life and cause real damage to the food chain upon which fish and larger sea life rely.

Along the Coast of the United States, many habitat restoration efforts are centered on the reduction of chemical run off from urban areas, not increasing insecticide pollutants in their waters.

The real fight against the Zika Virus will be bottled neighborhood by neighborhood and will rely upon the resources and expertise of local government working closely with State governments with supported of federal government agencies.

The consensus of the experts related to H.R. 897, the Zika Vector Control Act, is that we cannot rely heavily on spraying techniques to control Zika Virus carrying mosquitoes.

Yes, spraying can reduce the population of mosquitoes, but it cannot eliminate the threat and we can reach a point where the presence of chemical insecticides is in fact more harmful than helpful.

The Aedes Aegypti mosquito is the greatest threat to people has evolved to be near people.

These mosquitoes fly close to the ground, enter homes or stay nearby places where people live.

The spraying that this bill permits is on an industrial scale using products that are not found in a local grocery or home supply store.

The most important approach to control the spread of Zika Virus is poverty and the conditions that may exist in poor communities can be of greatest risk for the Zika Virus breeding habitats for vector mosquitoes.

It is the illegal dumping of tires; open ditches, torn screens, or no screens at all during the long hot days of summer that will unfortunately create a perfect storm for the spread of the virus.

Zika Virus Prevention Kits like those being distributed in Puerto Rico will be essential to the fight against Zika Virus along the Gulf Coast.

These kits should include mosquito nets for beds.

Bed nets have proven to be essential in the battle to reduce malaria by providing protection and reducing the ability of biting insects to come in contact with people.

Mosquito netting has fine holes that are big enough to allow breezes to easily pass through, but small enough to keep mosquitoes and other biting insects out.

Bed nets that are not pre-treated with insecticide are effective and they can be treated with DEET products after purchase.

Mr. Speaker, there is no need to be alarmed, but we should be preparing to do what we can to prevent and mitigate the Zika Virus in communities around the nation.

We know that 33 states have one or both of the vector mosquitoes.

Dr. Peter Hotez said that we can anticipated that the Americas including the United States can expect 4 million the Zika Virus cases in the next four months and to date there are over a million cases in Brazil.

The most serious outcome the Zika Virus exposure is birth defects that can occur during pregnancy if the mother is exposed to the Zika Virus.

Infections of pregnant women can result in: still births; the rate of Microcephaly based on Zika Virus exposure far exceeds that number.

Microcephaly is brain underdevelopment either at birth or the brain failing to develop properly after birth, which can cause: difficulty walking; difficulty hearing; and difficulty with speech.

I call on my colleagues to pass the President's request for the \$1.9 billion in emergency supplemental appropriations.

I urge my colleagues to reject H.R. 897, and support the President's request to fight the Zika Virus threat.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GIBBS) that the House suspend the rules and pass the bill, H.R. 897, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DeFAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 732;

Adopting House Resolution 732, if ordered;

Agreeing to the motion to instruct on S. 524; and

Suspending the rules and passing H.R. 897.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.R. 4909, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 732) providing for consideration of the bill (H.R. 4909) to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 239, nays 177, not voting 17, as follows:

[Roll No. 196]

#### YEAS—239

Abraham	Griffith	Palmer
Aderholt	Grothman	Paulsen
Allen	Guinta	Pearce
Amash	Guthrie	Perry
Amodei	Hanna	Pittenger
Babin	Hardy	Pitts
Barletta	Harper	Poe (TX)
Barr	Harris	Poliquin
Barton	Hartzler	Pompeo
Benishek	Heck (NV)	Posey
Billirakis	Hensarling	Price, Tom
Bishop (MI)	Hice, Jody B.	Ratcliffe
Bishop (UT)	Hill	Reed
Black	Holding	Reichert
Blackburn	Hudson	Renacci
Blum	Huelskamp	Ribble
Bost	Huizenga (MI)	Rice (SC)
Boustany	Hultgren	Rigell
Brady (TX)	Hunter	Roe (TN)
Brat	Hurd (TX)	Rogers (AL)
Bridenstine	Hurt (VA)	Rogers (KY)
Brooks (AL)	Issa	Rohrabacher
Brooks (IN)	Jenkins (KS)	Rokita
Buchanan	Jenkins (WV)	Rooney (FL)
Buck	Johnson (OH)	Ros-Lehtinen
Bucshon	Jolly	Roskam
Burgess	Jones	Ross
Byrne	Jordan	Rothfus
Calvert	Joyce	Rouzer
Carter (GA)	Katko	Royce
Carter (TX)	Kelly (MS)	Russell
Chabot	Kelly (PA)	Salmon
Chaffetz	King (IA)	Sanford
Clawson (FL)	King (NY)	Scalise
Coffman	Kinzinger (IL)	Schweikert
Cole	Kline	Scott, Austin
Collins (GA)	Knight	Sensenbrenner
Collins (NY)	Labrador	Sessions
Comstock	LaHood	Shimkus
Conaway	LaMalfa	Shuster
Cook	Lamborn	Simpson
Costello (PA)	Lance	Smith (MO)
Cramer	Latta	Smith (NE)
Crenshaw	LoBiondo	Smith (NJ)
Culberson	Long	Smith (TX)
Davis, Rodney	Loudermilk	Stefanik
Denham	Love	Stewart
Dent	Lucas	Stivers
DeSantis	Luetkemeyer	Stutzman
DesJarlais	Lummis	Thompson (PA)
Diaz-Balart	MacArthur	Thornberry
Dold	Marchant	Tiberi
Donovan	Marino	Tipton
Duffy	Massie	Trott
Duncan (SC)	McCarthy	Turner
Duncan (TN)	McCaul	Upton
Ellmers (NC)	McClintock	Valadao
Emmer (MN)	McHenry	Wagner
Farenthold	McKinley	Walberg
Fincher	McMorris	Walden
Fitzpatrick	Rodgers	Walker
Fleischmann	McSally	Walorski
Fleming	Meadows	Walters, Mimi
Flores	Meehan	Weber (TX)
Forbes	Messer	Webster (FL)
Fortenberry	Mica	Wenstrup
Fox	Miller (FL)	Westerman
Franks (AZ)	Miller (MI)	Westmoreland
Frelinghuysen	Moolenaar	Williams
Garrett	Mooney (WV)	Wilson (SC)
Gibbs	Mullin	Wittman
Gibson	Mulvaney	Womack
Gohmert	Murphy (PA)	Woodall
Goodlatte	Neugebauer	Yoder
Gosar	Newhouse	Yoho
Gowdy	Noem	Young (AK)
Granger	Nugent	Young (IA)
Graves (GA)	Nunes	Young (IN)
Graves (LA)	Olson	Zeldin
Graves (MO)	Palazzo	Zinke

#### NAYS—177

Adams	Bonamici	Cárdenas
Aguilar	Boyle, Brendan	Carney
Ashford	F.	Carson (IN)
Bass	Brady (PA)	Cartwright
Beatty	Brown (FL)	Castor (FL)
Becerra	Brownley (CA)	Castro (TX)
Bera	Bustos	Chu, Judy
Beyer	Butterfield	Cicilline
Bishop (GA)	Capps	Clark (MA)
Blumenauer	Capuano	Clarke (NY)